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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,888	09/19/2001	Yoichiro Sako	7217/65453	9847

7590 01/31/2006

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EXAMINER
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PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/955,888

Applicant(s)

SAKO ET AL.

Examiner

Michael Pyzocha

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2137

**DETAILED ACTION**

1. Claims 1-2, and 5-7 are pending.
2. Amendment filed on 11/30/2005 with a request for continued examination has been received and considered.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-2 and 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 1 and 5 recite the limitation "the selected pieces of input data" which is unclear since the selecting step is one or more. It is recommended to change the above phrase to "the selected one or more pieces of input data".

Any claims not specifically addressed are rejected by virtue of their dependencies.

Art Unit: 2137

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linnartz (US 6209092) in view of Hayashi et al (EP 967783 A2).

As per claim 1, Linnartz discloses adding right information containing at least copyright management information to selected ones of a plurality of pieces of input data; and performing a signal process on the plurality of pieces of input data including the selected ones of the plurality of pieces of input data to which the right information has been added and recording the processed data on the record medium (see column 10 lines 50-67).

Linnartz fails to disclose selecting one or more of a plurality of pieces of input data to receive management information and individually adding the information to the selected pieces of data.

Art Unit: 2137

However Hayashi et al teaches such individual adding (see paragraphs 1-14).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the system Linnartz to add management information individually.

Motivation to do so would have been to apply different types of watermarks to different components (see paragraphs 8-10).

As per claim 2, the modified Linnartz and Hayashi et al system discloses the signal process is an encrypting process (see Linnartz column 5 lines 3-26).

8. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Linnartz and Hayashi et al system as applied to claim 1 above, and further in view of Ryan.

As per claim 5, the modified Linnartz and Hayashi et al system fails to disclose a selection. However, Ryan discloses a selection circuit (see figure 1 number 24). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Ryan's selection circuit to Linnartz's copy protection system. Motivation to do so would have been to allow an operator to select a certain mode.

As per claims 6-7, the modified Linnartz, Hayashi et al and Ryan system discloses the various multiple adding circuits (see

Art Unit: 2137

Linnartz column 8 lines 25-58) and multiple encryption circuits with a selection circuit (see Ryan figure 1).

9. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linnartz (US 6209092) in view of McCready ("How to Register Your Copyright").

As per claim 1, Linnartz discloses adding right information containing at least copyright management information to selected ones of a plurality of pieces of input data; and performing a signal process on the plurality of pieces of input data including the selected ones of the plurality of pieces of input data to which the right information has been added and recording the processed data on the record medium (see column 10 lines 50-67).

Linnartz fails to disclose selecting one or more of a plurality of pieces of input data to receive management information and individually adding the information to the selected pieces of data.

However McCready teaches such individual adding (page 2).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the system Linnartz to add management information individually

Motivation to do so would have been to copyright protect each individual song (see page 2).

Art Unit: 2137

As per claim 2, the modified Linnartz and McCready system discloses the signal process is an encrypting process (see Linnartz column 5 lines 3-26).

10. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Linnartz and McCready system as applied to claim 1 above, and further in view of Ryan.

As per claim 5, the modified Linnartz and McCready system fails to disclose a selection. However, Ryan discloses a selection circuit (see figure 1 number 24). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Ryan's selection circuit to Linnartz's copy protection system. Motivation to do so would have been to allow an operator to select a certain mode.

As per claims 6-7, the modified Linnartz, McCready and Ryan system discloses the various multiple adding circuits (see Linnartz column 8 lines 25-58) and multiple encryption circuits with a selection circuit (see Ryan figure 1).

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1-2 and 5-7 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2137

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER